

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

FEDERAL TRADE COMMISSION, )  
Plaintiff, )  
vs. )  
JEREMY JOHNSON, individually, as officer )  
of Defendants I Works, Inc., Cloud Nine, Inc., )  
CPA Upsell, Inc., Elite Debit, Inc., Internet )  
Economy, Inc., Market Funding, Inc., and )  
Success Marketing, Inc.; as a member of )  
Defendant Network Agenda LLC; and as the )  
*de facto* principal of numerous Defendant Shell )  
Companies identified below; )  
DUANE FIELDING, individually, as an officer )  
of Anthon Holdings, Inc., and as a member of )  
Defendant Network Agenda LLC; )  
ANDY JOHNSON, individually, as a manager )  
of I Works, Inc., and as titular principal of )  
numerous Defendant Shell Companies )  
identified below; )  
LOYD JOHNSTON, individually, as a )  
manager of I Works, Inc., and as titular )  
principal of numerous Defendant Shell )  
Companies identified below; )  
SCOTT LEAVITT, individually, as a manager )  
of I Works, Inc., and as a principal of )  
Defendant Employee Plus, Inc.; )

Case No.: 2:10-cv-02203-R LH-GWF  
**NUNC PRO TUNC CORRECTION**  
**OF ORDER #181**  
(Motion for Reconsideration—#145)

1 SCOTT MUIR, individually and as titular )  
 2 principal of numerous Defendant Shell )  
 Companies identified below; )  
 )  
 3 BRYCE PAYNE, individually, as a manager )  
 4 of I Works, Inc., and as titular principal of )  
 Defendant JRB Media, Inc., a Shell Company; )  
 )  
 5 KEVIN PILON, individually and as titular )  
 6 principal of numerous Defendant Shell )  
 Companies identified below; )  
 )  
 7 RYAN RIDDLE, individually, as a former )  
 8 manager of I Works, Inc., and as titular )  
 principal of Defendant Diamond J Media, Inc., )  
 a Shell Company; )  
 )  
 9 TERRASON SPINKS, individually and as )  
 10 principal of Defendant Jet Processing, Inc., a )  
 Shell Company; and )  
 )  
 11 I WORKS, INC., et al., )  
 )  
 Defendants. )  
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14 On April 14, 2011, the Court entered an Order (#181) granting Claimant 249  
 15 Investors, LLC's motion. Claimant has filed a Stipulation for Entry of Amended Order and  
 16 Proposed Amended Order (##182/183, filed Apr. 14, 2011) to correct an inadvertent omission in  
 17 the original Order. Specifically, Claimant seeks to modify a single sentence of the Conclusion on  
 18 page 4 of the Order to include the language "by non-judicial foreclosure sale" to the existing  
 19 sentence. The Court therefore issues this *nunc pro tunc* correction order for the limited purpose of  
 20 making the record reflect what was inadvertently omitted in the original order. *See In re Warren,*  
 21 568 F.3d 1113, 1116 n.1 (9th Cir. 2009).

22 \* \* \*

23 Before the Court is Claimant 249 Investors, LLC's **Motion for Reconsideration**  
 24 (#145, filed Mar. 15, 2011) of the Court's Order (#143) denying its Motion Relief from Temporary  
 25 Restraining Order and Preliminary Injunction (#135). The Court has also considered the  
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1 Receiver's Statement of Non-Opposition (#151, filed Mar. 22, 2011). No other responses were  
2 filed.

3 The Court, having considered the Motion for Reconsideration, the initial Motion for  
4 Relief, the supporting Affidavit and Exhibits, and the Receiver's Statement of Non-Opposition  
5 hereby finds as follows:

6 **FINDINGS**

7 1. Tabernacle Towers, LLC owns certain real property located in the State of  
8 Utah which is commonly known as 249 East Tabernacle Street, St. George, Utah and is more  
9 particularly described as:

10 **Parcel 1:**

11 The West 25.5 feet of Lot 1, the East 49.5 feet of Lot 2, the East 49.5 feet of Lot  
12 3, and the West 96.0 feet of Lot 8, Block 64, Plat "B", ST. GEORGE CITY  
13 SURVEY, Washington County, Utah. Being more particularly described as  
14 follows: Beginning at a point on the South line of Lot 2, Block 64, Plat "B", ST.  
15 GEORGE CITY SURVEY, said point being South 89°51'16" East along the  
16 monument line 245.00 feet and North 0°08'44" East, 36.59 feet from the city  
survey monument at the intersection of 200 East and Tabernacle Streets, and  
running thence North 0°08'44" East, 264.26 feet to the North line of Lot 3;  
thence South 89°53'42" East along the Lot line 145.50 feet; thence South  
0°08'44" West, 132.08 feet; thence North 89°54'55" West, 70.50 feet; thence  
South 0°08'44" West, 132.10 feet to the South line of said Block 64; thence  
North 89°56'08" West along said South line 75.00 feet to the point of beginning.

17 **Tax Serial No.: SG-1218-A-2-RD**

19 **Parcel 2:**

20 All of West 99.0 feet of Lot One (1), Block Sixty-Four (64), Plat "B", ST.  
21 GEORGE CITY SURVEY, as platted on the Official Map of said survey on file  
in the Office of the Recorder of Washington County, State of Utah. Less and  
Excepting therefrom the West 25.5 feet.

22 **Tax Serial No.: SG-1218-A-1-RD**

23 (the "**Property**").

25 2. 249 Investors holds the rights to a Deed of Trust, Security Agreement and

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Assignment of Leases and Rents (the “**Trust Deed**”) executed by Tabernacle and recorded against the Property on July 11, 2006, with the Washington County Recorder, State of Utah as Entry No. 20060030455.

3. A Notice of Default under the Trust Deed was recorded against the Property on February 11, 2010.

4. On January 13, 2011, this Court entered a Temporary Restraining Order (Dkt. #44) that prohibited 249 Investors from selling the Property.

5. On February 10, 2011, the Court entered a Preliminary Injunction (Dkt. #130) consistent with the Temporary Restraining Order.

6. As of January 11, 2011, the amount due under the Trust Deed was \$2,126,606.97.

7. The amount due under the Trust Deed significantly exceeds the fair market value of the Property.

## CONCLUSION

Accordingly, and for good cause appearing,

IT IS HEREBY ORDERED that Claimant 249 Investors' Motion for Reconsideration (#145) is hereby GRANTED.

IT IS FURTHER ORDERED that Claimant 249 Investors may immediately proceed with enforcement of the Trust Deed by non-judicial foreclosure in accordance with Utah law.

Dated: April 14, 2011.

**ROGER L. HUNT**  
**Chief United States District Judge**